

REMARKS

Claim 1 is now combined with the substance of claims 2 and 4, and claim 8 is now combined with the substance of claims 9 and 11. Therefore the rejection of claims 8-10 under 35 USC 102 for anticipation by the cited Karwarth, et al. patent is traversed.

The still-applicable rejection of claims 2 & 4 and 9 & 11 under 35 USC 103 for obviousness from the cited Kawabata, et al. patent in view of the Karwarth, et al. patent is because:

- ... it would have been obvious to one having ordinary skill in the art at the time of the invention to control the brushless dc motor of Kawabata et al so the ignition phase current "fires" before the phase commutation time, thereby providing the advantage of ensuring maximum current to the motor in a timely manner, as taught by Karwarth et al.
- With respect to claims 2 and 9, Kawabata et al disclose predicting the phase commutation time of the polyphase power using either operation information of the rotator (Fig. 1, #8, #9).
- With respect to claims 3, 4, 10, and 11, Kawabata et al disclose the operation information of the rotator is position information, where the position information is the zero crossing point detection of an ignition phase voltage (Fig. 1, output of #8 detects back-emf, which is indicative of position; col. 5, lines 63-65).

However, the claimed invention must be considered as a whole, and as now in claims 1 and 8 in their entireties, it includes ignition-time control from either polyphase AC zero crossing or rotator operation or both. As described in the Action itself above, neither reference teaches this possibility of the whole claimed invention of alternative or combination control.

In order for one to defeat a meritorious patent it is not enough to pick out isolated features in earlier prior art patents, combine them in one particular way with hindsight acquired only from the patent under attack, and then say that no invention would have been involved in selecting those particular features and combining them in the particular way in which the patentee did. Eversharp, Inc., et al. v. Fisher pen Co., Inc, et al., 132 USPQ 423, 434 (N.D. Ill. D.C. 1961).

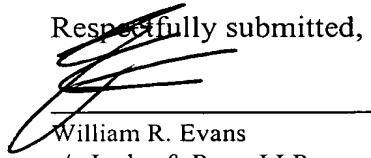
In the entirety of claims 1 and 8 is ignition current time control from zero crossing point detection information from the polyphase AC power. According to the Action (2, 2nd bullet), "Kawabata, et al do not disclose a control unit that predicts a phase commutation time of polyphase AC power and controls an ignition time of an ignition phase current" Therefore, the Action necessarily turns to the Karwath, et al. patent for this part of the new claim entirety.

According to the Action (2, 3rd bullet), "Karwath et al disclose ... a control unit (Fig. 8 ...) ... that predicts a phase commutation time of the polyphase ac power and controls an ignition time of an ignition phase current ...," but this is not apparent. Fig. 8 of the patent is described at column 9, lines 25-38 as "... by means of a position sensor 82, a position signal will be ... sent to the controller 1104." The conclusion of such abridgement is supported by the Abstract, for example, "The rotor speed is then used to shift the commutation circuits" The portions of column 1 and column 6 cited in the Action are not contrary to the conclusion that the Karwarth, et al. patent discloses rotor position ignition current time control, and not the polyphase ac power control from which the Action supports the rejection.

The combination of references cited thus does not even combine particular features claimed which, even if it did, still would not reconstruct the whole invention now claimed.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,



William R. Evans
c/o Ladas & Parry LLP
26 West 61st Street
New York, New York 10023
Reg. No. 25858
Tel. No. (212) 708-1930